

1 Stephen M. Doniger (SBN 179314)
stephen@donigerlawfirm.com
2 Benjamin F. Tookey (SBN 330508)
btookey@donigerlawfirm.com
3 DONIGER / BURROUGHS
4 603 Rose Avenue
5 Venice, California 90291
6 Telephone: (310) 590-1820
Attorneys for Plaintiff

7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**

9 CRAFTSHACK, INC.,

10 Plaintiff,

11 v.

12 MISSION LIQUOR & TOBACCO,
13 INC., a California corporation; and
14 DOES 1-10,

15 Defendants.
16
17
18

Case No.

COMPLAINT FOR COPYRIGHT
INFRINGEMENT

Jury Trial Demanded

19 Plaintiff CraftShack, Inc. prays to this Court for relief based on the following:

20 **JURISDICTION AND VENUE**

21 1. This action arises under the Copyright Act of 1976, 17 U.S.C. § 101, *et*
22 *seq.*

23 2. This Court has federal question jurisdiction under 28 U.S.C. §§ 1331,
24 1338(a)-(b).

25 3. Venue in this judicial district is proper under 28 U.S.C. §§ 1391(c) and
26 1400(a) because this is the judicial district in which a substantial part of the acts and
27 omissions giving rise to the claims occurred.
28

PARTIES

4. CraftShack is a Delaware corporation.

5. Upon information and belief, Defendant Mission Liquor & Tobacco, Inc. d/b/a “Mission Wine & Spirits” is a California corporation with a principal place of business located at 1801-1811 E Washington Blvd, Pasadena, CA 91104. Upon information and belief, Mission owns, operates, and/or controls the commercial website missionliquor.com and its related/affiliated subdomains, mobile websites, and applications (collectively, “Mission’s Website”).

6. Upon information and belief, Defendants DOES 1-10 (collectively, “Doe Defendants”) (altogether with Mission, “Defendants”) are other parties not yet identified who have infringed Plaintiff’s copyrights. The true names, whether corporate, individual, or otherwise, of Doe Defendants are presently unknown to Plaintiff, which therefore sues Doe Defendants by such fictitious names, and will seek leave to amend this Complaint to show their true names and capacities when same have been ascertained.

7. Upon information and belief, at all relevant times, each of the Defendants was the agent, affiliate, officer, director, manager, principal, alter-ego, and/or employee of the remaining Defendants, and was at all times acting within the scope of such agency, affiliation, alter-ego relationship, and/or employment; and actively participated in, subsequently ratified, and/or adopted each of the acts or conduct alleged, with full knowledge of each violation of Plaintiff’s rights and the damages to Plaintiff proximately caused thereby.

MISSION’S UNAUTHORIZED USE OF THE SUBJECT PHOTOGRAPHS

8. CraftShack operates an online craft beer marketplace which ships mostly small and family-owned beer and liquor directly to customers. As part of its business, CraftShack has created thousands of original photos to “standardize” the professional display of the products it sells on its website. This is important because, while many of the manufacturers of those products offer promotional photos of their products,

1 those photos are often incohesive—e.g., shot with/from different angles, backgrounds,
2 lighting, etc. By creating homogenous and particularly stylized product photos,
3 CraftShack has created immense value for itself and its customers. Indeed, due to the
4 demand for CraftShack’s work, CraftShack has created a secondary business of
5 offering licenses for the use its original photos to companies like Mission.
6 CraftShack’s website displays its original photographs used to promote the sale of
7 beer and liquor products, and maintaining exclusivity of use of those high-quality
8 proprietary photos for only CraftShack and its authorized licensees is crucial to
9 CraftShack’s business.

10 9. CraftShack took and owns 84 original photographs that are registered
11 with the U.S. Copyright Office (collectively, the “Subject Photographs”). Copies of
12 the Subject Photographs are set forth in **Exhibit 1**.

13 10. Following the publication and display of the Subject Photographs,
14 Defendants, and each of them, stored, distributed, displayed, and exploited copies of
15 the Subject Photographs for commercial purposes on Mission’s Website without
16 CraftShack’s permission (collectively, the “Accused Posts”). Copies of screen
17 captures of the Accused Posts are set forth in **Exhibit 2**.

18 **FIRST CLAIM FOR RELIEF**

19 **(For Copyright Infringement – Against All Defendants, and Each)**

20 11. Plaintiff incorporates by reference the allegations contained in the
21 preceding paragraphs of this Complaint.

22 12. Upon information and belief, Defendants, and each of them, had access
23 to the Subject Photographs, including through Plaintiff’s website and social media
24 accounts, viewing the Subject Photographs on third-party websites or Internet search
25 engines, and/or because the Accused Posts are verbatim copies of, and thus strikingly
26 similar to, the Subject Photographs.

1 Court deems proper.

2 **JURY DEMAND**

3 Plaintiff demands a jury trial on all issues so triable under Fed. R. Civ. P. 38
4 and the 7th Amendment to the United States Constitution.

5
6 Dated: August 13, 2024

DONIGER / BURROUGHS

7 By: /s/ Stephen M. Doniger
8 Stephen M. Doniger, Esq.
9 Benjamin F. Tookey, Esq.
10 *Attorneys for Plaintiff*